

REMARKS

The preceding amendments and following remarks are submitted in response to the Official Action of the Examiner mailed March 31, 2003. Claims 1-20 remain pending. Reconsideration, examination and allowance of all pending claims are respectfully requested.

As a preliminary matter, Applicant submitted two supplemental IDSs on May 6, 2003. Applicant respectfully requests that the Examiner consider these references, and provide initialed copies of the FORM-1449s filed therewith in due course.

In paragraph 1 of the Office Action, the Examiner states that the title of the invention is not descriptive. In response, Applicant has changed the title to "ELONGATED CARRIER FOR BUMPER MEMBER", as the Examiner suggests.

In paragraph 2 of the Office Action, the Examiner objected to the disclosure because the abstract is not in the proper format. In response, Applicant has amended the Abstract to be in the proper format.

In paragraph 3 of the Office Action, the Examiner objected to claim 3 because there is insufficient antecedent basis for the "wall" in line 1. In response, Applicant has amended claim 3 to provide proper antecedent basis.

In paragraph 4 of the Office Action, the Examiner rejected claims 1, 2, 4, 6, 11-16 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Newman (U.S. Patent No. 3,359,030). Although the Applicant does not agree that claims 1, 2, 4, 6, 11-16 and 18-20 are anticipated by or rendered obvious in view of Newman, in the spirit of cooperating, Applicant has amended

claim 1 to recite:

1. (Currently Amended) An elongated carrier having a cavity for receiving an elongated bumper member, the elongated carrier comprising:
one or more walls;
a slot extending into the cavity defined by two terminating ends of the one or more walls; and
a nub extending into the cavity from at least one of the one or more walls,
the nub being separate from the two terminating ends
~~having inner surfaces, wherein at least one of the inner surfaces has an inwardly extending nub.~~

As can be seen, claim 1 now recites that the slot is defined by two terminating ends of one or more walls, and further recites a nub that extends into the cavity, wherein the nub is separate from the two terminating ends.

The Examiner states that Newman suggests “at least two of the inner surfaces having inwardly extending nubs” (citing Newman, Figure 4, reference numbers 34 and 36). However, as can be plainly seen, Newman does not disclose or suggest a carrier that has two terminating ends that define a slot, as well as an inwardly extending nub. Instead, the inwardly extending “nubs” 34 and 36 cited by the Examiner are actually two terminating ends, and no other nubs are shown. For these and other reasons, claim 1 is believed to be clearly patentable over Newman. For the same and other reasons, dependent claims 2-10 are also believed to be clearly patentable over Newman.

Turning now to independent claim 11. Claim 11 recites:

11. (Currently Amended) An elongated rub-rail ~~for use with a boat,~~ comprising:
an elongated carrier, the elongated carrier having one or more walls,
wherein the one or more walls include one or more inner surfaces that define at least part of a cavity;

a slot extending into the cavity defined by at least two terminating ends of the one or more walls, wherein each of the two terminating ends is defined by a terminating end surface separate from the one or more inner surface of the one or more walls ~~with inner surfaces~~, wherein at least one of the inner surfaces of the one or more walls has at least one ~~an~~ inwardly extending nub; and

an elongated bumper member, at least part of the elongated bumper member positioned in the slot and having an outer surface that is shaped to accept the at least one nub of the elongated carrier.

As can be seen, claim 11 now recites an elongated carrier having one or more walls with one or more inner surfaces that define at least part of a cavity. Claim 11 further recites a slot extending into the cavity that is defined by at least two terminating ends of the one or more walls, wherein each of the two terminating ends is defined by a terminating end surface separate from the one or more inner surface of the one or more walls, and that at least one of the inner surfaces of the one or more walls has at least one inwardly extending nub. As noted above, Newman fails to disclose or suggest a carrier that has two terminating ends that define a slot, as well as a nub. Thus, for the same reasons discussed above with respect to claim 1, as well as other reasons, claim 11 is believed to be clearly patentable over Newman. For the same and other reasons, dependent claims 12-13 are also believed to be clearly patentable over Newman.

Turning now to claim 14. Claim 14 recites:

14. (Currently Amended) An elongated carrier having a cavity for receiving an elongated bumper member, the elongated carrier comprising:
a back member having a first end and a second end;
a first support leg extending outward from at or near the first end of the back member, the first support leg having a thickness and an inner surface;
a second support leg extending outward from at or near the second end of the back member, the second support leg having a thickness and an inner surface, the inner surface of the first support leg, the inner surface of the second support leg and the back member defining at least part of the cavity;
a ~~distal~~ terminating end of the second support leg defined by a terminating

end surface separate from the inner surface of the second support leg, and a distal terminating end of the first support leg defined by a terminating end surface separate from the inner surface of the first support leg, the terminating end surface of the second support leg and the terminating end surface of the first support leg being spaced from one another to form a slot therebetween; and the inner surface of the first support leg having an inwardly extending nub at or near the distal end of the first support leg, the nub extending towards the second support leg.

As can be seen, claim 14 recites a slot formed by a terminating end of a second support leg, which is defined by a terminating end surface separate from the inner surface of the second support leg, and a terminating end of the first support leg, which is defined by a terminating end surface separate from the inner surface of the first support leg. Claim 14 further recites that the inner surface of the first support leg has an inwardly extending nub. For the same reasons discussed above with respect to claims 1 and 11, as well as other reasons, claim 14 is believed to be clearly patentable over Newman. For similar and other reasons, dependent claims 15-20 are also believed to be clearly patentable over Newman.

Finally, Applicant respectfully disagrees with the Examiner's rejections of dependent claims 3, 5, 7, 8, 9, 10, and 17 set forth in paragraphs 5, 6, and 7 of the Office Action. However, since the independent claims are believed to be clearly patentable, a response to the rejections of the dependent claims is not believed to be necessary at this time.

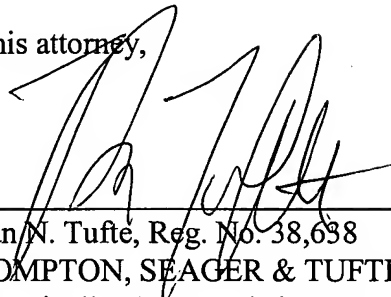
In view of the foregoing, Applicant believes that all pending claims 1-20 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the undersigned attorney at (612) 573-2002.

U.S. Patent Application Serial No. 10/074,362

Respectfully submitted,

Brian N. Tufte

By his attorney,

A handwritten signature in black ink, appearing to be 'Brian N. Tufte', is written over a horizontal line.

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